

**UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF OKLAHOMA**

DON BOWENS,

Plaintiff,

v.

ROGERS COUNTY SHERIFF'S OFFICE,

Defendant.


Case No. CIV-23-1054-J

ORDER

Plaintiff, appearing pro se, filed a Complaint under 42 U.S.C. § 1983 alleging he was tasered without cause and suffered injuries. Plaintiff named the Rogers County Sheriff's Office as the sole Defendant. The matter was referred for initial proceedings to United States Magistrate Judge Shon T. Erwin consistent with 28 U.S.C. § 636(b)(1)(B), (C). Judge Erwin screened the Complaint and issued a Report and Recommendation recommending dismissal without prejudice on grounds that the Rogers County Sheriff's Office is not a suable entity under § 1983 (Rep. and Rec.) [Doc. No. 5]. Plaintiff did not object by the December 18, 2023 deadline and has waived his right to appellate review of the factual and legal issues addressed in the Report and Recommendation. *See Casanova v. Ulibarri*, 595 F.3d 1120, 1123 (10th Cir. 2010).

Accordingly, the Court ADOPTS the Report and Recommendation [Doc. No. 5] and DISMISSESS the action without prejudice. A separate judgment will enter.

IT IS SO ORDERED this 29th day of December, 2023.


BERNARD M. JONES
UNITED STATES DISTRICT JUDGE